

Maryland's 1967 Constitutional Convention and Its Records

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THE enabling legislation for the Constitutional Convention of Maryland, 1967,¹ provided that a historian be appointed and that his duties be to "collect, compile, document and preserve all proceedings of the Convention and its several committees" That official—really an archivist not a historian—was not hired until November 2, 1967, almost 4 months after the Convention met July 11, 1967, to organize itself and almost 2 months after its first working session on September 12, 1967. At that time the target date for completion of the work of the Convention and *sine die* adjournment was December 12, 1967. In other words, the Convention was almost two-thirds through its work when the Archivist came on the scene. Actually the Convention did not adjourn finally until January 10, 1968, two days before the statutory deadline. For one in the archival profession, this quite usual situation appears not so much a conscious recognition of John Locke's political dictum that "government is antecedent to the record" as subconscious deferment of consideration of how the documentary remains would be handled and by whom.

These opening words are given some emphasis to indicate that on timing alone the Archivist could hardly have been in a position to influence the documentation system evolved for the Convention, even had the lawyers and practicing legislative experts been disposed to let him have his say. I must admit that an archivist's participation at the beginning of such an enterprise may not be vital even though some parts of the system might thereby be simplified in terms of the functions served by the documentation.

Having started this paper on a somewhat negative note, let me hasten to say that the Maryland constitution-making story *is* as close to the ideal—as nearly a model to guide others—as it seems possible to devise in our time. Its salient features include:

1. Clear recognition by responsible and knowledgeable leaders of the need for revision of a century-old document that had acquired more than two hundred amendments.
2. Statesmanlike initiative by Gov. J. Millard Tawes in June of 1965 in creating a nonpartisan Constitutional Convention Commission to con-

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¹ Sec. 12, Ch. 4, Acts of the General Assembly of 1967.

duct an inquiry into the need for modification or revision of the Constitution of Maryland and to recommend specific actions to carry into effect its findings.

3. Provision by the General Assembly in 1966 that the sense of the people be taken on the Commission's recommendation that a Constitutional Convention be called, and in the event of a favorable vote in the referendum that such a Convention be convened in September 1967.

4. Publication of the *Report of the Constitutional Convention Commission*² containing excellent research data, a clear delineation of the facts relating to the revision movement, and a draft constitution to be considered by the Convention.

5. Convention delegates elected in a special nonpartisan election in the same number (142) as authorized for the reapportioned House of Delegates.

6. Full endorsement of the objective of constitutional revision by Gov. Spiro T. Agnew and most State officials.

7. Sound Convention organization and dedication by the delegates to the momentous and historic project with full appreciation of the exacting labor entailed.

8. Full and varied program of public information and involvement of educational institutions and interest groups throughout the State.

9. Prompt submission, on May 14, 1968, of the proposed Constitution to the people of Maryland for adoption.

Because of the sound planning and good staff work already accomplished or underway the archival program for the Convention could be relatively simple and quickly drawn up. The archival group would be subdivided to reflect the Convention organizational structure, identifying all record-creating elements as follows:

RECORDS OF THE CONSTITUTIONAL CONVENTION OF MARYLAND

1967

Journal of the Convention

Proceedings — Transcript

Records of the President

Records of Other Officers:

1st Vice President

2d Vice President

Secretary

Chief of Staff

Chief Clerk

Information Service

Parliamentarian

Historian

²Published by the State of Maryland for the Constitutional Convention Commission, Office of the Secretary of State, Annapolis, Md., Aug. 1967; 594 p.

Records of Primary Committees:

Personal Rights and The Preamble
Suffrage & Elections
Legislative Branch
Executive Branch
Judicial Branch
State Finance & Taxation
Local Government
General Provisions

Records of Secondary Committees:

Rules, Credentials & Budget
Calendar & Agenda
Style, Drafting & Arrangements
Public Information
Entertainment

Records of Delegates
Miscellaneous

An initial inventory of all existing files was taken on a prescribed form and according to uniform instructions as to both detail and general archival objectives. A responsible person, usually the administrative assistant to a chairman or an officer, executed the form and expressed the judgment of his office on the continuing value of the records described on each inventory sheet. A recommendation for retention or disposal was made to the Convention President by the Archivist on his own review and appraisal of the records.

Special archives boxes and preprinted labels suitable for identifying permanent records were acquired. Immediate arrangements were made with the Archivist of Maryland, Morris L. Radoff, for daily security microfilming of the Convention Journal and for the direct transfer, as soon after the close of the Convention as practical, of the permanently valuable records to the Maryland Hall of Records.

Before final adjournment the Convention provided for a post-convention policy committee of delegates to insure that the public is informed about the proposed Constitution.

The President and the Secretary of the Convention directed the post-convention staff in its work of printing and distributing the Constitution, operating an information program about the document, and closing out and perfecting the permanent records.

In this connection it was the Archivist's responsibility to operate a central record room and to produce the final inventory: *Records of the Constitutional Convention of Maryland 1967-1968*.

The Maryland Convention's work was widely acclaimed, and the document it produced has been described as a near perfect modern State constitution. For Maryland, the ultimate judgment rests with the voters on May 14, when the referendum election will be held. It has been an honor and an inspiration to have been associated with so noble, and hopefully successful, an enterprise. The Convention staff, State House personnel, and most particularly Dr. Radoff's staff at the Hall of Records and the State Records Center were most cooperative with, and kind to, a retired Federal civil servant and former Maryland person from across the Potomac.